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PATENT APPLICATION

Serial No. 10/032,803

Atty. Docket No. 28-011564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Harry P. FINKE et al. : **BURNER FOR NON-SYMMETRICAL**
Serial No. 10/032,803 : **COMBUSTION AND METHOD**
Filed December 28, 2001 :
Petitions Attorney Charlema R. Grant :

Pittsburgh, Pennsylvania
May 5, 2003

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR § 1.47(a)

Via Facsimile No. 703-308-6916

Attn: Office of Petitions

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant, Bloom Engineering Company, Inc., believes that it has complied with all the requirements to warrant a Rule 47 grantable petition, as was requested in Applicant's August 21, 2002 Petition in Support of Filing on Behalf of Non-signing Inventor (37 CFR §1.47).

The Petitions Attorney claims that Applicant has not provided proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings). Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Patricia M. Lynch

(Typed Name of Person Signing Certification)

Signature

May 5, 2003

Date

has transmitted all the required documents to the non-signing inventor, as evidenced by the letters dated January 16, 2002 and January 27, 2002, which were previously submitted to the United States Patent and Trademark Office with the aforementioned Petition, and are also enclosed herewith. Specifically, the January 16, 2002 letter states that the **"attached patent application is a 'continuation-in-part' application"**, while also requesting **"signatures on the attached assignments and declarations pages"**, of which **"[c]opies...are enclosed..."**. The January 27, 2002 letter evidences that the non-signing inventor, in addition to receiving the assignment and declaration and power of attorney documents, has also received a copy of the application, as he makes reference to **"hav[ing] no involvement in the claims related to the Oxygen use on the current activity."** This statement shows that the non-signing inventor was concurrently presented with the application, otherwise he would not be aware of any claims related to Oxygen use, to which he refers.

Applicant hereby respectfully requests early and favorable reconsideration of Petition under 37 CFR § 1.47(a).

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



John W. McIlvaine
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Bloom Engineering Company, Inc.

TO:

Date: January 16, 2002

- 1.) Martin McGhee
- 2.) Harry Finke

Gentlemen:

The attached patent application is a 'continuation-in-part' application on the Cyclops design, wherein we have added claims covering the addition of oxygen enrichment of the second-stage (ie, slot) combustion air. Sample data is included illustrating the region in which 'ultra low NOx' is maintained even with up to 30% O2 in the combustion air mixture.

As this represents additional claims to the original Cyclops patent application, we are requesting your signatures on the attached assignments and declarations pages.

Copies of the documents are enclosed for your records.

Thank you for your assistance in this matter.

Best Regards,



Dave Schalles

DGS / FILE

HARRY P. FINKE
1306 Old Meadow Road
Pittsburgh, PA 15241-3457
412/221-0959
harryfinke@adelphia.net

January 27, 2002

Bloom Engineering Co., Inc
5460 Horning Road
Pittsburgh, PA 15236

Gentlemen:

With reference to patent applications and other matters, I will cooperate and sign the Declaration and Power of Attorney and the Assignments for previously submitted concepts or documented concepts filed in the attorney's office-Provided that the POA and Assignments be modified as previously marked up. These modifications reflect the letter of agreement for my time and services beyond the period of employment with Bloom.

It takes my valuable time to review and understand the contract documents submitted-and gentlemen this is not for free. I am willing to contribute up to one hour maximum for these reviews. Any involvement beyond one hour shall roll over and include the first hour for billing purposes.

The POA and assignment contracts are not acceptable to me as written. This has been discussed with Russ Orkin. A separate side letter, for each situation, from an authorized officer of Bloom agreeing to and referring to the agreement would be acceptable. This letter would also have to address the fact that my rates have increased 10% above those listed in the April 1, 2000 and signed by James E. Johns.

The separate letter for each situation must reflect the agreement and tie it to and precede the POA and Assignment contract.

It should be noted that I have no involvement in the claims related to the Oxygen use on the current activity.

Sincerely,



WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

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FAX RECEIVED**MAY 05 2003****PETITIONS OFFICE****FACSIMILE INFORMATION SHEET**ATTN: Office of Petitions
Petitions Attorney Charlema R. GrantCompany: United States Patent and Trademark OfficeCity and State: Alexandria, VAFacsimile Number: 703-308-6916From: John W. McIlvaineTotal Number of Pages: 5 (including Information Sheet)Date Transmitted: May 5, 2003

Message:

U.S. Patent Application Serial No. 10/032,803
Attorney Docket No. 28-011564

If you do not receive all pages, please call back as soon as possible. The number is (412) 471-8815

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